



TEXAS DEPARTMENT OF INSURANCE

Division of Workers' Compensation - Medical Fee Dispute Resolution (MS-48)

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MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name

PAIN AND RECOVERY CLINIC

Respondent Name

AMERICAN ZURICH INSURANCE CO

MFDR Tracking Number

M4-17-1129-01

Carrier's Austin Representative

Box Number 19

MFDR Date Received

DECEMBER 27, 2016

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "Our Facility has been having difficulties with the above carrier in processing these authorized services which were denied for fee schedule guidelines."

Requestor's Supplemental Position Summary: "The carrier issued payment for: 9/15, 9/16, 9/23, 9/29, 9/30, 10/3, 10/5, 10/17, partial pay for 10/19 of \$375.00, 10/20, 10/21, 10/24, 10/25, 10/26, 10/28, 10/31, 11/1. We still have 9/27/16 due for 500.00, 9/28/16 due for 500.00, 10/4/16 due for \$375.00."

Amount in Dispute: \$1,875.00

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "Payment has been made."

Response Submitted by: Broadspire

SUMMARY OF FINDINGS

Dates of Service	Disputed Services	Amount In Dispute	Amount Due
September 15, 2016 through November 1, 2016	Chronic Pain Management Program CPT Code 97799-CP-CA (142.50 hours rendered for disputed dates, 15 hours remain unpaid)	\$1,875.00	\$1,875.00

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

- 28 Texas Administrative Code §133.307 sets out the procedures for resolving a medical fee dispute.
- 28 Texas Administrative Code §134.204, effective March 1, 2008, sets the reimbursement guidelines for the disputed service.
- The services in dispute were reduced/denied by the respondent with the following reason codes:
 - P12-Workers compensation jurisdictional fee schedule adjustment.
 - 790-This charge was reimbursed in accordance to the Texas medical fee guideline.
 - A19-Upon further review, additional payment is warranted.

- W3-In accordance with TDI-DWC rule 134.804, this bill has been identified as a request for reconsideration or appeal.
- 193-Original payment decision is being maintained. Upon reconsideration it was determined that the original decision was correct.

Issues

Is the requestor entitled to additional reimbursement for the chronic pain management program?

Findings

According to the explanation of benefits and the respondent's position summary the disputed services have been paid. The requestor contends that additional reimbursement is still due for the chronic pain management program rendered on September 27 and 28, and October 4 and 19, 2016. The Division reviewed the submitted information and finds the following:

28 Texas Administrative Code §134.204(h)(1)(A) states "(A) If the program is CARF accredited, modifier "CA" shall follow the appropriate program modifier as designated for the specific programs listed below. The hourly reimbursement for a CARF accredited program shall be 100 percent of the MAR."

28 Texas Administrative Code §134.204(h)(5)(A) and (B) states "The following shall be applied for billing and reimbursement of Chronic Pain Management/Interdisciplinary Pain Rehabilitation Programs

(A) Program shall be billed and reimbursed using CPT Code 97799 with modifier "CP" for each hour. The number of hours shall be indicated in the units column on the bill. CARF accredited Programs shall add "CA" as a second modifier.

(B) Reimbursement shall be \$125 per hour. Units of less than one hour shall be prorated in 15 minute increments. A single 15 minute increment may be billed and reimbursed if greater than or equal to eight minutes and less than 23 minutes."

A review of the submitted EOBS and bills finds that the requestor billed for 142.5 hours of CPT code 97799-CP-CA on the disputed dates of service. Therefore, per 28 Texas Administrative Code §134.204(h)(1)(A) and (5)(A) and (B), the MAR for a CARF accredited program is \$125.00 per hour x 142.5 = \$1,812.50. The respondent paid \$15,937.50. The difference between the MAR and amount paid is \$1,875.00. This amount is recommended for additional reimbursement.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that reimbursement is due. As a result, the amount ordered is \$1,875.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$1,875.00 plus applicable accrued interest per 28 Texas Administrative Code §134.130 due within 30 days of receipt of this Order.

Authorized Signature

Signature

Medical Fee Dispute Resolution Officer

3/10/2017
Date

YOUR RIGHT TO REQUEST AN APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812